

**House Joint Resolution No.10**

(By Delegate Moye)

[Introduced January 12, 2011; referred to the  
Committee on Constitutional Revision then the Judiciary.]

Proposing an amendment to the Constitution of the State of West Virginia, amending sections one and four, article seven thereof, relating to designating the Commissioner of Insurance to be a Constitutionally elected officer, and limiting a person elected as Commissioner of Insurance to two terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

*Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:*

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2012, which proposed amendment is that sections one and four, article seven thereof be amended, to read as follows:

1 **ARTICLE VII. THE EXECUTIVE.**

2 **§1. Executive Department.**

3 The executive department shall consist of a Governor,  
4 Secretary of State, Auditor, Treasurer, Commissioner of  
5 Agriculture, Commissioner of Insurance and Attorney General, who  
6 shall be, ex officio, reporter of the court of appeals. Their  
7 terms of office shall be four years and shall commence on the first  
8 Monday after the second Wednesday of January next after their  
9 election. They shall reside at the seat of government during their  
10 terms of office, keep there the public records, books and papers  
11 pertaining to their respective offices and shall perform such  
12 duties as may be prescribed by law.

13 **§4. Eligibility.**

14 None of the executive officers mentioned in this article shall  
15 hold any other office during the term of his or her service. A  
16 person who has been elected or who has served as Governor during  
17 all or any part of two consecutive terms shall be ineligible for  
18 the office of Governor during any part of the term immediately  
19 following the second of the two consecutive terms. The person  
20 holding the office of Governor when this section is ratified shall  
21 not be prevented from holding the office of Governor during the  
22 term immediately following the term he or she is then serving. A  
23 person who has been elected or who has served as Commissioner of  
24 Insurance during all or any part of two consecutive terms shall be

1 ineligible for the office of Commissioner of Insurance during any  
2 part of the term immediately following the second of the two  
3 consecutive terms.

4       *Resolved further,* That in accordance with the provisions of  
5 article eleven, chapter three of the Code of West Virginia, 1931,  
6 as amended, such proposed amendment is hereby numbered "Amendment  
7 No. 1" and designated as the "Insurance Commissioner as an Elected  
8 Officer Amendment" and the purpose of the proposed amendment is  
9 summarized as follows: "To amend the State Constitution to include  
10 the Commissioner of Insurance as a Constitutionally elected officer  
11 and to limit the Commissioner of Insurance to two terms."

NOTE: The purpose of this resolution is to make the Insurance Commissioner a Constitutionally elected officer and to limit the Insurance Commissioner to two terms.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.